

ointment, containing essentially turpentine, camphor, and tarry material; and that the headache powders were white powders containing chiefly acetanilid, caffeine, tartaric acid, and sugar.

The articles were alleged to be misbranded in that statements regarding their therapeutic and curative effects, appearing on the labels, falsely and fraudulently represented that the Veterinary Salve was effective in the treatment of cowpox, caked bags, and all infectious eruptions, and effective to heal and to leave the surface soft and smooth; and that the headache powders were effective in the treatment of all kinds of headache and neuralgia, sick headaches, la grippe, fever, rheumatic pains, gout, and chest pains. The headache powders were alleged to be misbranded further in that the statement on the label, "Kalo's Headache Powders Contain Acetanilide three and one-half grains to each powder," was false and misleading since it represented that each of said powders contained $3\frac{1}{2}$ grains of acetanilid, whereas a portion contained more than $3\frac{1}{2}$ grains and the remainder contained less than $3\frac{1}{2}$ grains; and in that they contained acetanilid and the label on the package failed to bear a statement of the quantity or proportion of acetanilid contained therein.

On February 28, 1938, a plea of guilty was entered and the defendant was sentenced to pay a fine of \$25.

W. R. GREGG, *Acting Secretary of Agriculture.*

28687. Adulteration and misbranding of solution of citrate of magnesia. U. S. v. Robert Sugerman (Dytex Chemical Co.). Plea of guilty. Fine, \$50. (F. & D. No. 39795. Sample No. 20855-C.)

This product differed from the standard laid down in the United States Pharmacopoeia since it contained magnesium sulphate, a substance not prescribed by the pharmacopoeia, and it contained less magnesium sulphate than prescribed by that authority.

On October 20, 1937, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Robert Sugerman, trading as the Dytex Chemical Co., at Providence, R. I., alleging shipment by said defendant in violation of the Food and Drugs Act on or about March 12, 1937, from the State of Rhode Island into the State of Massachusetts of a quantity of solution of citrate of magnesia which was adulterated and misbranded. The article was labeled in part: "Effervescent Solution of Citrate of Magnesia, Not U. S. P. * * * Prepared by Dytex Chemical Co."

It was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the pharmacopoeia since it contained magnesium sulphate, a substance not prescribed by the pharmacopoeia, and less magnesium citrate than prescribed therein; and its own standard of strength, quality, and purity was not declared on the container.

It was alleged to be misbranded in that the statements, "Citrate Magnesia," blown on the bottles, and "Solution of Citrate of Magnesia," borne on the label, were false and misleading since they represented that it was citrate of magnesia and that it was solution of citrate of magnesia; whereas it was a product which contained magnesium sulphate, a substance not prescribed by the pharmacopoeia, and less magnesium citrate than prescribed therein. The article was alleged to be misbranded further in that it was a product which contained magnesium sulphate, and less magnesium citrate than prescribed by the United States Pharmacopoeia, and was offered for sale and sold under the name of another article, citrate of magnesia.

On February 14, 1938, a plea of guilty was entered by the defendant and he was sentenced to pay a fine of \$50.

W. R. GREGG, *Acting Secretary of Agriculture.*

28688. Adulteration and misbranding of Malto-De. U. S. v. Adah Alberty (Alberty Food Products). Plea of nolo contendere. Fine, \$150. (F. & D. No. 39838. Sample No. 36388-C.)

This product was adulterated and misbranded because it contained materially less calcium, phosphorus, and vitamin D than declared; and was misbranded further because of false and fraudulent curative and therapeutic claims in the labeling.

On December 27, 1937, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Adah Alberty, trading as Alberty Food